

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 MAY 31 AM 9:10

In re application of: KENNEDY et al.)
Serial No.: 10/505,361)
Filing Date: August 19, 2004)
For: "BLOOD ANALYZER AND PRICKING)
DEVICE FOR USE IN BLOOD)
ANALYSIS")

Group Art Unit: N/A

Examiner: N/A

RECEIVED

JUN 16 2005

OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

GARDNER GROFF, P.C.
100 Parkwood Point
2018 Powers Ferry Road
Suite 800
Atlanta, Georgia 30339

May 25, 2005

Dear Sir:

In response to the Decision on Petition Under 37 C.F.R. § 1.47(a), this is a Renewed Petition Under 37 C.F.R. § 1.47(a) to accept signature of the Declaration by joint inventors on behalf of Mitchell A. Solis, a non-signing joint inventor who cannot be found or reached after diligent effort. No fee is believed to be due, the fee required under 37 C.F.R. § 1.17(h) having previously been submitted. This filing is believed to be timely. If any extension of time is required, please consider this a request therefor. The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 50-1513.

The previous Petition dated April 1, 2005 is incorporated herein by reference, and reconsideration of the merits is requested. In the alternative, please consider this filing to be a new Petition, to be decided on the basis of the submissions enclosed herewith.

The Decision on Petition indicates on page 3 that petitioner has not provided a statement of the last known address of the missing inventor. The requisite statement was, however, included on page 2 of the previous Petition. The Decision on Petition also indicates that petitioner has provided a defective executed "composite" declaration. No authority is cited supporting the requirement of separate individual complete sets of declaration, and undersigned practitioner is unaware of any such requirement. Nevertheless, the matter is believed to be moot, as separate individual complete sets of declarations are submitted herewith.

A Declaration signed by each available joint inventor is enclosed, with the signature line for the non-signing inventor left blank, and is to be treated as having been signed by the available joint inventors on behalf of the non-signing inventor. MPEP §409.03(a)(A).

The last known address for the non-signing joint inventor is:

Mitchell A. Solis
1975 Lexington Lane
Cumming, Georgia 30004

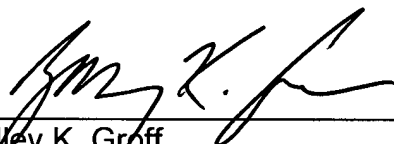
The following statement and attachments provide proof of the pertinent facts supporting this Petition:

- (1) On December 22, 2004, the undersigned, acting as counsel for the assignee of this application, forwarded a copy of the application to the non-signing joint inventor, Mitchell A. Solis, along with an inventors' declaration for signature by Mr. Solis. A copy of the correspondence forwarding these materials, along with tracking information from FedEx regarding delivery of the correspondence is attached as Attachment 1 hereto.
- (2) In addition to the written communication, our office has attempted on numerous occasions to contact Mr. Solis by telephone, leaving numerous voicemails requesting a call back. These calls to Mr. Solis have not been returned.

(3) To date, none of our attempts to reach Mr. Solis and obtain his signature have been successful.

Being warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. §1001), and may jeopardize the validity of the application or any patent issuing thereon, all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

Respectfully submitted,

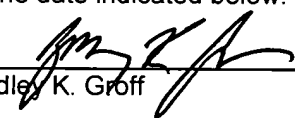


Bradley K. Groff
Registration No. 39,695

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100 Parkwood Point
2018 Powers Ferry Road
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Certificate of Mailing (37 C.F.R. §1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.



Bradley K. Groff

May 25, 2005
Date

FedEx
 Tracking
 Number
 8463 5437 6004

From *Please print and print hard.* 20201
Date 2/22/01
Sender's FedEx Account Number 2013-9343-4

Sender's Name Brad Groff Phone (770) 984-2300

GARDNER GROFF, P. C.
Company

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600 VILLAGE TRCE NE STE 300

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|------------------------|----------|-------|----|-----|------------|
| City | MARIETTA | State | GA | ZIP | 30067-4069 |
| Dept./Floor/Suite/Room | | | | | |

2 Your Internal Billing Reference
First 24 characters will appear on invoice.

3 To Recipient's Name Mitchell A. Solis Phone 678, 455-4359

Company

Recipient's Address
1975 Lexington Lane
We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address _____
To request a package be held at a specific FedEx location, print FedEx address here.

City Cumming State GA ZIP 30004

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

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or call 1.800.GoFedEx 1.800.463.3339.

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0215
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4a Express Package Service

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| <input checked="" type="checkbox"/> | FedEx Standard Overnight Next business day-morning* |
| <input type="checkbox"/> | FedEx First Overnight Earliest next business morning |

*Packages up to 150 lbs.
to most locations*

☐ **FedEx 2Day**
Second business day*

☐ **FedEx Express Saver**
Third business day*

*FedEx Express rates not available. Minimum charge: One pound rate.

4b Express Freight Service

☐ FedEx 1Day Freight*
Next business day**

☐ FedEx 2Day Freight
Second business day**

☐ FedEx 3Day Freight
Third business day**

**Packages over 150 lbs.
to most locations**

5. Packaging

| | | | |
|---|---|--------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> FedEx Envelope* | <input type="checkbox"/> FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sure Pak | <input type="checkbox"/> FedEx ToBox | <input type="checkbox"/> Other |
|---|---|--------------------------------------|--------------------------------|

* Declared value limit \$500

* Call for Contributor:

| | | | |
|---|---|---|--|
| 6 Special Handling | | Include FedEx address in Section 3. | |
| <input type="checkbox"/> SATURDAY Delivery Available Only | <input type="checkbox"/> HOLD Weekday | <input type="checkbox"/> HOLD Saturday | |
| FedEx Priority Overnight, FedEx 2Day, FedEx Day Freight, and FedEx 2Day Freight to select ZIP codes | NOT Available for FedEx Next Overnight | at FedEx Location Available only for FedEx Priority Overnight and FedEx 2Day Next Business | |

one box must be checked.

| | | | | | | |
|---|------------------------------|---------------------|------------------------------------|--|---|----|
| <input checked="checked" type="checkbox"/> No | <input type="checkbox"/> Yes | Shipped as attached | Shipped a Declaration not required | <input type="checkbox"/> Dry Ice | <input type="checkbox"/> Dry Ice, U.N. 1845 | kg |
| | | | | <input type="checkbox"/> Cargo Aircraft Only | | |

Dangerous goods (including Dry Ice) cannot be shipped in freight packaging.

7 Payment Bill to: ☒ **Sender** ☐ **Recipient** ☐ **Third Party** ☐ **Credit Card** ☐ **Cash/Check**

Amount Due in Section 1 will be billed.

| Exp. Date | FedEx Awa. No. Credit Card No. | Total Packages | Total Weight | Total Declared Value ¹ | FedEx Use Only |
|-----------|-----------------------------------|----------------|--------------|-----------------------------------|----------------|
| | | | | \$.00 | |

¹Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Sign to Authorize Delivery Without a Signature

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PATRICIA L. ADES
R. STEVAN COURSEY

* OTHER BARS ONLY

December 22, 2004

Mitchell A. Solis
1975 Lexington Lane
Cumming, Georgia 30004

VIA FEDERAL EXPRESS
Tracking #: 8463 5411 6004

Re: U.S. National Phase Patent Application for
"BLOOD ANALYZER AND PRICKING
DEVICE FOR USE IN BLOOD
ANALYSIS"

Serial No.: 10/505,361
Filing Date: August 19, 2004
Our File No.: 2G02.1-084 US

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[REDACTED]

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[REDACTED]

Dear Mitch:

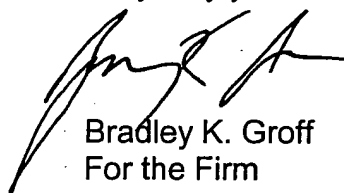
Enclosed are Declarations/Powers of Attorney and Assignments for the above-identified U.S. and PCT patent applications, which you worked with while at Facet. Copies of the applications are enclosed for your review prior to executing the documents.

Mitchell A. Solis
December 22, 2004
Page -2-

Please sign and date the Declarations/Powers of Attorney and Assignments where indicated and return them to me for filing with the Patent Office. Please note that the Assignments need to be notarized. If it is convenient, you can come by our office to have the signatures notarized. If this is not convenient, and you need to pay a notary, let me know and I will arrange for reimbursement. For your convenience, I have enclosed a stamped return envelope to return the signed documents to me.

Thanks in advance for your help on this. Please give me a call if you have any questions or concerns.

Very truly yours,



Bradley K. Groff
For the Firm

BKG:rjh
Enclosures

W:\Client Files\BKG Clients\2002-Face\2002-P-010 General Matters\0050.Jr (Dece & Assigns to Mitch Solis).wpd

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| | | | |
|-----------------|---------------------------|--------------|--------------|
| Tracking number | 846354116004 | Reference | ZGOZ |
| Signed for by | Signature release on file | Delivered to | Residence |
| Ship date | Dec 22, 2004 | Service type | Standard Box |
| Delivery date | Dec 23, 2004 8:28 AM | Weight | 10.0 lbs. |
| Status | Delivered | | |

| Date/Time | Activity | Location | Details |
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| Dec 23, 2004 | 8:28 AM Delivered | | Left at front door. No signature required - release waiver on file |
| | 7:48 AM On FedEx vehicle for delivery | ALPHARETTA, GA | |
| | 7:33 AM At local FedEx facility | ALPHARETTA, GA | |
| Dec 22, 2004 | 11:00 PM At dest sort facility | ATLANTA, GA | |
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